

Appln. No. 10/019,992

Attorney Docket No. 10541-929

II. Remarks

Claims 7, 12, 13 and 18 are pending in the application. Claims 7, 12, 13 and 18 have been amended. Claims 8-11 and 14-17 have been cancelled. No new claims have been added.

Objections

The Examiner objected to claims 8 and 14 because the term "from" should be —from—. Applicants have cancelled claim 8, rendering the objection moot.

Rejections Under 35 USC § 102

Claims 7, 8, 13 and 14 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,623,089 issued to Scott (Scott).

The Examiner stated that Scott discloses a cutting device with all the recited limitations including a first cutter having a straight section and a curved section and second and third cutters having straight edges. Amended claims 7 and 14 have the additional limitation of a support, for receiving a piece, such that the piece can be sandwiched over a part of its thickness between the support and the first and third cutting means. Scott does not disclose this limitation.

Furthermore, Scott does not teach a continuous cutting edge formed of three parts. Scott teaches a punching machine having a punch holding and actuating system which permits one or more punches to be activated during any given stroke so that either one hole or multiple holes may be punched during such stroke. Each punch is used by itself and not in cooperation with other punches to form a continuous cutting edge as claimed in claims 7 and 13 of the present invention.

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Claims 7-18 are rejected under 35 USC §102(b) as being anticipated by the Examiner's home chisel set which has all of the cited limitations.

The Examiner has stated that the Examiner's chisel set has one chisel that is curved in the middle and has straight ends. Furthermore, the Examiner has stated that the Examiner's home workbench is the support where the chisels are usually used and that the workbench had straight edges and a curved corner that are substantially identical to the cutting edge of the curved chisel.

The Applicants respectfully disagree with the Examiner. It is unclear from the photocopy of the home chisel set and the hand drawing of the Examiner's workbench that the Examiner's chisel set has one chisel that is curved in the middle and has straight ends and that the Examiner's workbench has straight edges and a curved corner that are substantially identical to the cutting edge of the curved chisel. Furthermore, the Examiner's home chisel set does not disclose a continuous cutting edge formed of three parts as claimed in claims 7 and 13 of the present invention. Last, 37 C.F.R. § 104(c)(2) states:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

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The Applicants respectfully request that the Examiner produce either documentary evidence of the above-mentioned elements or an Affidavit.

In that the reference fails to disclose or suggest the elements claimed in the present application, it must be concluded that the rejection based thereon should be accordingly withdrawn.

SUMMARY

Pending Claims 7, 12, 13 and 18 as amended are patentable. Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

7/25/05
Date



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